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CAROLYN CAMPBELL

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

S.L., a minor by and through the Guardian
Ad Litem Kristine Llamas Leyva,
individually and as successor-in-interest to
JOHNNY RAY LLAMAS, deceased;
V.L., by and through the Guardian Ad
Litem Amber Snetsinger, individually and
as successor-in-interest to JOHNNY RAY
LLAMAS, deceased; and CAROLYN
CAMPBELL, individually,

Plaintiffs,

vs.

COUNTY OF RIVERSIDE; SHAWN
HUBACHEK; JIMMIE MCGUIRE; and
DOES 3-10, inclusive,

Defendants.

FIRST AMENDED COMPLAINT

1. Fourth Amendment – Excessive Force (42 U.S.C. § 1983)
2. Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)
3. Fourteenth Amendment – Interference with Familial Relationship (42 U.S.C. § 1983)
4. Municipal Liability – Unconstitutional Custom, Policy, or Practice (42 U.S.C. § 1983)
5. Municipal Liability – Failure to Train (42 U.S.C. § 1983)
6. Battery (Survival and Wrongful Death)
7. Negligence (Survival and Wrongful Death)
8. Violation of Bane Act (Cal. Civil Code § 52.1)

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR DAMAGES**

2 S.L., a minor, by and through the guardian *ad litem* Kristine Llamas Leyva,
3 individually and as successor-in-interest to JOHNNY RAY LLAMAS, deceased; V.L., a
4 minor, by and through the guardian *ad litem* Amber Snetsinger, individually and as
5 successor-in-interest to JOHNNY RAY LLAMAS, deceased; and CAROLYN
6 CAMPBELL, individually, for their Complaint against Defendants COUNTY OF
7 RIVERSIDE; SHAWN HUBACHECK; JIMMIE MCGUIRE and DOES 3-10, inclusive,
8 allege as follows:

9 **JURISDICTION AND VENUE**

10 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
11 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United States
12 including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United
13 States Constitution. This Court has supplemental jurisdiction over Plaintiffs' claims
14 arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so
15 related to the federal claims that they form part of the same case or controversy under
16 Article III of the United States Constitution.

17 2. Venue is proper in this Court under 28 U.S.C. §1391(b), because Defendants
18 reside in this district and all incidents, events, and occurrences giving rise to this action
19 occurred in this district.

20 **INTRODUCTION**

21 3. This civil rights and state tort action seeks compensatory and punitive
22 damages from Defendants for violating various rights under the United States
23 Constitution and state law in connection with the fatal officer shooting of JOHNNY RAY
24 LLAMAS on April 14, 2023.

25 **PARTIES**

26 4. At all relevant times, Decedent JOHNNY RAY LLAMAS ("DECEDENT")
27 was an individual residing in the County of Riverside, California.

28 ///

1 5. Plaintiff S.L. is a citizen of the United States residing in the County of
2 Riverside, California, and is the natural minor child of DECEDENT. Plaintiff S.L. sues
3 both in their individual capacity as the minor child of DECEDENT and in a
4 representative capacity as a successor-in-interest to DECEDENT pursuant to California
5 Code of Civil Procedure §§ 377.30 and 377.60. Plaintiff S.L. seeks both survival and
6 wrongful death damages under federal and state law.

7 6. Plaintiff V.L. is a citizen of the United States residing in the County of
8 Riverside, California, and is the natural minor child of DECEDENT. Plaintiff V.L. sues
9 both in their individual capacity as the minor child of DECEDENT and in a
10 representative capacity as a successor-in-interest to DECEDENT pursuant to California
11 Code of Civil Procedure §§ 377.30 and 377.60. Plaintiff V.L. seeks both survival and
12 wrongful death damages under federal and state law.

13 7. Plaintiff CAROLYN CAMPBELL is an individual residing in the County of
14 Riverside, California. CAROLYN CAMPBELL is the natural mother of DECEDENT
15 and sues in her individual capacity. CAROLYN CAMPBELL seeks wrongful death
16 damages, compensatory damages, and punitive damages under federal and state law.

17 8. Plaintiffs S.L., V.L., and CAROLYN CAMPBELL were dependent upon
18 DECEDENT at the time of DECEDENT's death for the necessities of life, including but
19 not limited to support that aided plaintiffs in obtaining the things, such as shelter,
20 clothing, food, and medical treatment, which one cannot and should not do without.

21 9. At all relevant times, Defendant COUNTY OF RIVERSIDE ("COUNTY")
22 was and is a public entity duly organized and existing as such under the laws of the State
23 of California. COUNTY is responsible for the actions, omissions, policies, procedures,
24 practices, and customs of its various agents and agencies, including the Riverside County
25 Sheriff's Department ("RCSD") and its agents and employees. At all relevant times,
26 Defendant COUNTY is and was responsible for assuring that the actions, omissions,
27 policies, procedures, practices, and customs of the RCSD and its agents and employees
28 complied with the laws of the United States and of the State of California.

1 10. At all relevant times, Defendants SHAWN HUBACHEK, JIMMIE
2 MCGUIRE, and DOES 3-10 were duly appointed by COUNTY as RCSD deputies and
3 employees or agents of COUNTY, subject to oversight and supervision by COUNTY's
4 elected and non-elected officials. At all relevant times, Defendants SHAWN
5 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 acted under color of law, including
6 under color of the statutes, ordinances, regulations, policies, customs, and usages of
7 Defendant COUNTY and the RCSD, and under color of the statutes and regulations of
8 the State of California. At all relevant times, Defendants SHAWN HUBACHEK,
9 JIMMIE MCGUIRE, and DOES 3-10 acted within the course and scope of their
10 employment with COUNTY and the RCSD.

11 11. In doing the acts and failing and omitting to act as hereinafter described,
12 Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 were acting
13 on the implied and actual permission and consent of Defendant COUNTY.

14 12. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
15 are sued in their individual capacities.

16 13. The true names and capacities of DOES 3-10 are unknown to Plaintiffs, who
17 otherwise sue these Defendants by such fictitious names. Plaintiffs will seek leave to
18 amend this Complaint to show the true names and capacities of these Defendants when
19 they have been ascertained. Each of the fictitiously named Defendants is responsible in
20 some manner for the conduct or liabilities alleged herein.

21 14. At all times herein mentioned, each and every defendant was the agent of
22 each and every other defendant and had the legal duty to oversee and supervise the hiring,
23 conduct, employment and discipline of each and every other defendant

24 15. All of the acts complained of herein by Plaintiffs against Defendants were
25 done and performed by said Defendants by and through their authorized agents, servants,
26 and/or employees, all of whom at all relevant times herein were acting within the course,
27 purpose, and scope of said agency, service, and/or employment capacity. Moreover,
28 Defendants and their agents ratified all of the acts complained of herein.

1 16. Defendants, and each of them, did the acts and omissions hereinafter alleged
2 in bad faith and with knowledge that their conduct violated well established and settled
3 law.

4 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

5 17. Plaintiffs refer to and replead each and every allegation contained in the
6 foregoing paragraphs of this Complaint with the same force and effect as if fully set forth
7 herein.

8 18. The incidents complained of occurred at or near the 22,000 block of River
9 Road, in the unincorporated area of Perris, known as Meadowbrook, County of Riverside,
10 State of California.

11 19. On April 14, 2023, at approximately 4:45 p.m., JOHNNY RAY LLAMAS
12 was encountered by Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and
13 DOES 3-10.

14 20. On information and belief, JOHNNY RAY LLAMAS had not committed
15 any crime and Defendants had no information that JOHNNY RAY LLAMAS had
16 committed a felony.

17 21. At all relevant times, JOHNNY RAY LLAMS posed no imminent threat of
18 death or serious physical injury to defendants, or to any other person.

19 22. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
20 used excessive force upon JOHNNY RAY LLAMAS by, among other things, shooting
21 JOHNNY RAY LLAMAS in the back, and by shooting JOHNNY RAY LLAMAS again
22 after he had fallen to the ground after being shot in the back.

23 23. At the time Defendants fired these shots at JOHNNY RAY LLAMAS,
24 JOHNNY RAY LLAMAS posed no imminent or immediate threat of death or serious
25 bodily harm to Defendants or to anyone else.

26 24. Because the Defendants had JOHNNY RAY LLAMAS outnumbered and
27 surrounded, and because JOHNNY RAY LLAMAS was compliant and did not pose an
28 imminent threat of death or serious physical injury to the officers or anyone else,

1 Defendants could have and should have communicated with JOHNNY RAY LLAMAS
2 in effort to deescalate, rather than escalate, the situation.

3 25. Defendants used excessive force upon JOHNNY RAY LLAMAS by, among
4 other things, use of their firearms. Even though the officers outnumbered JOHNNY RAY
5 LLAMAS, even though the officers had control of JOHNNY RAY LLAMAS, even
6 though JOHNNY RAY LLAMAS was compliant with the officers' commands, and even
7 though the officers had far less harmful means of interacting with JOHNNY RAY
8 LLAMAS at their disposal, Defendants failed and refused to communicate with
9 JOHNNY RAY LLAMAS, and instead, without any justification or good cause,
10 Defendants shot and killed JOHNNY RAY LLAMAS.

11 26. Defendants used excessive force upon JOHNNY RAY LLAMAS by
12 escalating this incident to the point where deadly force was used.

13 27. The search and seizure and the use of deadly force was excessive and
14 objectively unreasonable under the circumstances. The escalation of the incident and use
15 of deadly force by Defendants demonstrated a deliberate indifference to the health and
16 safety of JOHNNY RAY LLAMAS that shocks the conscience.

17 28. On information and belief, despite having knowledge that JOHNNY RAY
18 LLAMAS was seriously injured by Defendants SHAWN HUBACHEK, JIMMIE
19 MCGUIRE, and DOES 3-10 use of deadly force, Defendants SHAWN HUBACHEK,
20 JIMMIE MCGUIRE, and DOES 3-10 failed to timely summon medical care or permit
21 medical personnel to treat JOHNNY RAY LLAMAS. The delay of medical care to
22 JOHNNY RAY LLAMAS was a contributing cause of JOHNNY RAY LLAMAS's
23 harm, injury, pain and suffering, and ultimate death.

24 29. As a direct result of his interaction with Defendants herein, JOHNNY RAY
25 LLAMAS died. Defendants' actions caused JOHNNY RAY LLAMAS to lose his life,
26 caused Plaintiffs S.L. and V.L. to lose their father, and caused Plaintiff CAROLYN
27 CAMPBELL to lose her son.

28 30. JOHNNY RAY LLAMAS did not die immediately.

1 31. The search and seizure and the use of deadly force was excessive and
2 objectively unreasonable under the circumstances. The use of deadly force by Defendants
3 SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 demonstrated a deliberate
4 indifference to the health and safety of JOHNNY RAY LLAMAS that shocks the
5 conscience.

6 32. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
7 were present at the scene and intentionally and knowingly permitted the unprovoked and
8 unjustified battery and killing of JOHNNY RAY LLAMAS by failing to prevent it when
9 circumstances were such that they could have done so.

10 33. These acts of Defendants constituted excessive and deadly force which
11 caused Plaintiffs special and general damages, physical injuries, and extreme emotional
12 distress. Further the acts of Defendants COUNTY OF RIVERSIDE and Defendants
13 SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 deprived Plaintiffs and
14 JOHNNY RAY LLAMAS of rights secured to them by the Fourth and Fourteenth
15 Amendments to the United States Constitution in that Defendants deprived JOHNNY
16 RAY LLAMAS of his right to be free in his person against unreasonable search and
17 seizure, and from excessive force, and deprived Plaintiffs of their right to be free from
18 interference with their familial relationship with JOHNNY RAY LLAMAS.

19 34. At all times herein mentioned Defendants were acting under the color of one
20 or more statutes, laws, regulations, customs, practices and usages of the State of
21 California, the County of Riverside, and the RCSD.

22 35. In doing the acts and omissions alleged in this Complaint, Defendants
23 pursued an unprivileged course of extreme and outrageous conduct directed at JOHNNY
24 RAY LLAMAS with the intent to cause JOHNNY RAY LLAMAS to suffer extreme
25 terror, fear, shock, anxiety, mental anguish, despair and emotional distress. Defendants'
26 actions shock the conscience.

27 ///

1 36. The aforesaid acts and omissions of defendants were done knowingly,
2 intentionally and for the purpose of depriving Plaintiffs and JOHNNY RAY LLAMAS of
3 their constitutional rights in reckless and callous disregard of the same, and by reason
4 thereof, Plaintiffs claim exemplary and punitive damages against each individual
5 Defendants (and not against Defendant COUNTY OF RIVERSIDE) in an amount
6 according to proof.

7 37. On August 1, 2023, Plaintiffs presented to Defendant COUNTY OF
8 RIVERSIDE a Government Tort Claim based on the acts, omissions, damages and
9 injuries herein complained of. Defendant COUNTY OF RIVERSIDE denied this Claim
10 in a letter dated August 9, 2023.

11
12 **FIRST CLAIM FOR RELIEF**

13 **Fourth Amendment – Excessive Force (42 U.S.C. § 1983)**

14 **[By Plaintiffs S.L. and V.L. against Defendants SHAWN HUBACHEK, JIMMIE**
15 **MCGUIRE, and DOES 3-10, inclusive]**

16 38. Plaintiffs refer to and replead each and every allegation contained in the
17 foregoing paragraphs of this Complaint with the same force and effect as if fully set forth
18 herein.

19 39. Decedent JOHNNY RAY LLAMAS had a cognizable interest under the
20 Fourth Amendment of the United States Constitution to not be subjected to excessive
21 force while being detained or arrested by Defendants SHAWN HUBACHEK, JIMMIE
22 MCGUIRE, and DOES 3-10.

23 40. On April 14, 2023, Defendants SHAWN HUBACHEK, JIMMIE
24 MCGUIRE, and DOES 3-10 each intentionally used excessive force upon JOHNNY
25 RAY LLAMAS by, among other things, shooting JOHNNY RAY LLAMAS in the back,
26 and by shooting JOHNNY RAY LLAMAS again after he had fallen to the ground after
27 being shot in the back.
28

1 41. The lethal force applied to decedent by Defendants SHAWN HUBACHEK,
2 JIMMIE MCGUIRE, and DOES 3-10 was in excess of the amount of force a reasonable
3 police officer would have used under similar circumstances.

4 42. These acts and omissions of Defendants SHAWN HUBACHEK, JIMMIE
5 MCGUIRE, and DOES 3-10 violated the rights of decedent JOHNNY RAY LLAMAS
6 under the Fourth Amendment of the United States Constitution to not be subjected to
7 excessive force. Further, Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and
8 DOES 3-10's shooting and use of force violated their training and standard police officer
9 training.

10 43. As a result of their misconduct, Defendants SHAWN HUBACHEK,
11 JIMMIE MCGUIRE, and DOES 3-10 are liable for JOHNNY RAY LLAMAS's injuries,
12 either because they were integral participants in the use of excessive force, and/or
13 because they failed to intervene to prevent these violations.

14 44. As a result of the foregoing, JOHNNY RAY LLAMAS suffered great
15 physical pain and emotional distress up to the time of his death, loss of enjoyment of life,
16 loss of life, and loss of earning capacity.

17 45. As a direct and legal result of the acts and omissions of Defendants SHAWN
18 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, and each of them, as sheriff's
19 deputies under color of law, Plaintiffs have suffered extreme and severe mental anguish
20 and pain and have been injured in mind and body and have further been deprived of the
21 life-long love, companionship, comfort, care, assistance, protection, affection, society,
22 moral support, training and guidance of JOHNNY RAY LLAMAS. Plaintiffs also claim
23 funeral and burial expenses and loss of financial support.

24 46. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
25 and DOES 3-10 was willful, wanton, malicious, and done with reckless disregard for the
26 rights and safety of Plaintiffs, and of decedent JOHNNY RAY LLAMAS, and therefore
27 warrants imposition of exemplary and punitive damages as against these Defendants.
28

1 47. Plaintiffs S.L. and V.L. bring this claim as successors-in-interest to
2 JOHNNY RAY LLAMAS and seek survival damages, including pre-death pain and
3 suffering, emotional distress, loss of life, and loss of enjoyment of life, for the violation
4 of JOHNNY RAY LLAMAS's rights. Plaintiffs S.L. and V.L. also seek attorney's fees
5 and costs under this claim.

6
7 **SECOND CLAIM FOR RELIEF**

8 **Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)**

9 **[By Plaintiffs S.L. and V.L. against Defendants SHAWN HUBACHEK, JIMMIE**
10 **MCGUIRE, and DOES 3-10, inclusive]**

11 48. Plaintiffs refer to and replead each and every allegation contained in the
12 foregoing paragraphs of this Complaint with the same force and effect as if fully set forth
13 herein.

14 49. The denial of medical care by Defendants SHAWN HUBACHEK, JIMMIE
15 MCGUIRE, and DOES 3-10 deprived JOHNNY RAY LLAMAS of his right to be secure
16 in his person against unreasonable searches and seizures as guaranteed to him under the
17 Fourth Amendment to the United States Constitution and applied to state actors by the
18 Fourteenth Amendment.

19 50. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
20 failed to provide needed medical care to JOHNNY RAY LLAMAS, failed to timely
21 summon needed medical care for DECEDENT, prevented medical care personnel from
22 timely treating JOHNNY RAY LLAMAS, and refused to permit medical care personnel
23 to access and care for JOHNNY RAY LLAMAS at the scene for an appreciable time
24 after the incident.

25 51. On information and belief, after Defendants SHAWN HUBACHEK,
26 JIMMIE MCGUIRE, and DOES 3-10 had shot a number of times at JOHNNY RAY
27 LLAMAS and it was apparent to these Defendants that JOHNNY RAY LLAMAS had
28 been struck by at least some of the shots, Defendants SHAWN HUBACHEK, JIMMIE

1 MCGUIRE, and DOES 3-10 failed to timely summon medical care for JOHNNY RAY
2 LLAMAS and failed to timely provide medical care to JOHNNY RAY LLAMAS.

3 52. As a result of the foregoing, JOHNNY RAY LLAMAS suffered great
4 physical pain and suffering up to the time of his death, loss of enjoyment of life, loss of
5 life, and loss of earning capacity.

6 53. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
7 knew that failure to provide timely medical treatment to JOHNNY RAY LLAMAS could
8 result in further significant injury, the unnecessary and wanton infliction of pain, or
9 death, but disregarded that serious medical need, causing JOHNNY RAY LLAMAS
10 great bodily harm and death.

11 54. As a result of their misconduct, Defendants SHAWN HUBACHEK,
12 JIMMIE MCGUIRE, and DOES 3-10 are liable for JOHNNY RAY LLAMAS's injuries,
13 either because they were integral participants in the denial of medical care, and/or
14 because they failed to intervene to prevent these violations.

15 55. Plaintiffs S.L. and V.L. bring this claim as successors-in-interest to
16 JOHNNY RAY LLAMAS and seek survival damages, including pre-death pain and
17 suffering, emotional distress, loss of life, and loss of enjoyment of life, for the violation
18 of JOHNNY RAY LLAMAS's rights. Plaintiffs S.L. and V.L. also seek attorney's fees
19 and costs under this claim.

20
21 **THIRD CLAIM FOR RELIEF**

22 **Interference with Familial Relationship – First Amendment, Fourteenth**
23 **Amendment (42 U.S.C. § 1983)**

24 **[By all Plaintiffs against Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,**
25 **and DOES 3-10, inclusive]**

26 56. Plaintiffs refer to and replead each and every allegation contained in the
27 foregoing paragraphs of this Complaint, and by this reference incorporates the same
28 herein and makes each a part hereof.

1 57. Plaintiff S.L. had a cognizable interest under the Due Process Clause of the
2 Fourteenth Amendment to the United States Constitution to be free from state actions that
3 deprive them of life, liberty, or property in such a manner as to shock the conscience,
4 including but not limited to unwarranted state interference in Plaintiff S.L.'s familial
5 relationship with their father, JOHNNY RAY LLAMAS.

6 58. Plaintiff V.L. had a cognizable interest under the Due Process Clause of the
7 Fourteenth Amendment to the United States Constitution to be free from state actions that
8 deprive them of life, liberty, or property in such a manner as to shock the conscience,
9 including but not limited to unwarranted state interference in Plaintiff V.L.'s familial
10 relationship with their father, JOHNNY RAY LLAMAS.

11 59. Plaintiff CAROLYN CAMPBELL had a cognizable interest under the Due
12 Process Clause of the Fourteenth Amendment to the United States Constitution to be free
13 from state actions that deprive her of life, liberty, or property in such a manner as to
14 shock the conscience, including but not limited to unwarranted state interference in
15 Plaintiff CAROLYN CAMPBELL's familial relationship with her son, JOHNNY RAY
16 LLAMAS.

17 60. The aforementioned acts and omissions of Defendants SHAWN
18 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, along with other undiscovered
19 conduct, shock the conscience, in that they acted with deliberate indifference to the
20 constitutional rights of Plaintiffs and with a purpose to harm unrelated to any legitimate
21 law enforcement objective.

22 61. As a direct and proximate result of these acts and omissions, JOHNNY RAY
23 LLAMAS experienced pain and suffering and eventually died. Defendants SHAWN
24 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 thus violated the substantive due
25 process rights of Plaintiffs to be free from unwarranted interference with their familial
26 relationship with JOHNNY RAY LLAMAS.

27 62. As a direct and proximate cause of the acts of Defendants SHAWN
28 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, Plaintiffs suffered emotional

1 distress, mental anguish, and pain. Plaintiffs have also been deprived of the life-long
2 love, companionship, comfort, support, society, care, and sustenance of Decedent
3 JOHNNY RAY LLAMAS, and will continue to be so deprived for the remainder of their
4 natural lives.

5 63. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
6 and DOES 3-10 was willful, wanton, malicious, and done with reckless disregard for the
7 rights and safety of JOHNNY RAY LLAMAS and Plaintiffs and therefore warrants the
8 imposition of exemplary and punitive damages as to Defendants SHAWN HUBACHEK,
9 JIMMIE MCGUIRE, and DOES 3-10.

10 64. Plaintiffs S.L., V.L., and CAROLYN CAMPBELL bring this claim
11 individually, for the interference with S.L. and V.L.'s relationship with their father,
12 JOHNNY RAY LLAMAS, and with CAROLYN CAMPBELL's relationship with her
13 son, JOHNNY RAY LLAMAS, and seek wrongful death damages for the violation of
14 Plaintiffs' rights. Plaintiffs also claim funeral and burial expenses and a loss of financial
15 support. Plaintiffs S.L., V.L., and CAROLYN CAMPBELL also seek attorney's fees and
16 costs under this claim.

17
18 **FOURTH CLAIM FOR RELIEF**

19 **Municipal Liability – Unlawful Custom, Policy, or Practice (42 U.S.C. § 1983)**

20 **[By all Plaintiffs against Defendant COUNTY OF RIVERSIDE]**

21 65. Plaintiffs refer to and replead each and every allegation contained in the
22 foregoing paragraphs of this Complaint, and by this reference incorporates the same
23 herein and makes each a part hereof.

24 66. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
25 acted pursuant to an expressly adopted policy or longstanding practice or custom of
26 Defendant COUNTY OF RIVERSIDE.

27 67. On information and belief, Defendants SHAWN HUBACHEK, JIMMIE
28 MCGUIRE, and DOES 3-10 were not disciplined, reprimanded, retrained, suspended, or

1 otherwise penalized in connection with their deprivation of JOHNNY RAY LLAMAS's
2 and Plaintiffs' rights.

3 68. Defendant COUNTY OF RIVERSIDE, together with the RCSD and various
4 COUNTY and RCSD policymakers and supervisors, maintained, inter alia, the following
5 unconstitutional customs, practices, and policies:

6 (a) Using excessive and unreasonable force, including deadly force on
7 persons who do not pose an immediate risk of death or serious bodily injury to
8 others;

9 (b) Providing inadequate training regarding the use of force, including
10 deadly force;

11 (c) Providing inadequate training regarding de-escalation;

12 (d) Employing and retaining as police officers, individuals such as
13 Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10,
14 inclusive, who Defendant COUNTY at all times material herein knew or
15 reasonably should have known had dangerous propensities for abusing their
16 authority and for using excessive force;

17 (e) Inadequately supervising, training, controlling, assigning, and
18 disciplining COUNTY deputies, and other personnel, including Defendants
19 SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, inclusive, who
20 COUNTY knew or in the exercise of reasonable care should have known, had the
21 aforementioned propensities or character traits;

22 (f) Maintaining grossly inadequate procedures for reporting, supervising,
23 investigating, reviewing, disciplining and controlling misconduct by deputies of
24 the COUNTY; and

25 (g) Failing to adequately discipline COUNTY deputies for the above-
26 mentioned categories of misconduct, including inadequate discipline and "slaps on
27 the wrist," discipline that is so slight as to be out of proportion with the magnitude
28

1 of the misconduct, and other inadequate discipline that is tantamount to
2 encouraging misconduct.

3 69. Defendant COUNTY, together with various other officials, whether named
4 or unnamed, had either actual or constructive knowledge of the deficient policies,
5 practices and customs alleged herein. Despite having knowledge as stated above,
6 COUNTY condoned, tolerated and through actions and inactions thereby ratified such
7 policies. COUNTY also acted with deliberate indifference to the foreseeable effects and
8 consequences of these policies with respect to the constitutional rights of JOHNNY RAY
9 LLAMAS, Plaintiffs, and other individuals similarly situated.

10 70. By perpetrating, sanctioning, tolerating and ratifying the outrageous conduct
11 and other wrongful acts, Defendant COUNTY acted with intentional, reckless, and
12 callous disregard for the constitutional rights of JOHNNY RAY LLAMAS and Plaintiffs.
13 Furthermore, the policies, practices, and customs implemented, maintained, and tolerated
14 by Defendant COUNTY caused the deprivation of Plaintiffs' and Decedent's rights by
15 the Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10; that is,
16 COUNTY's maintenance of the aforementioned unconstitutional customs, practices, and
17 policies and failure to prevent violations of law by its employees is so closely related to
18 the deprivations of Plaintiffs' and Decedent's rights as to be the moving force that caused
19 the ultimate injury.

20 71. Based on information and belief, the following are only a few examples of
21 cases evidencing Defendant COUNTY's unconstitutional policies, where the involved
22 deputies were not disciplined, reprimanded, retrained, suspended, or otherwise penalized
23 in connection with the underlying acts giving rise to the below lawsuits, which indicates
24 that COUNTY routinely ratifies such behavior and maintains a practice of allowing such
25 behavior:

26 (a) In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-cv-
27 01603 JGB (DTBx), Defendant COUNTY failed to discipline its deputy who
28

1 attacked a man with his K-9 and shot used deadly force against him while he was
2 not an immediate threat of death or serious bodily injury to anyone;

3 (b) In *Howard v. County of Riverside, et al.*, case number 5:12-cv-00700
4 VAP (OPx), Defendant COUNTY argued that the use of deadly force against an
5 individual was reasonable; a federal jury found otherwise and returned a verdict in
6 favor of plaintiff, a man who posed no immediate threat of death or serious bodily
7 injury and suffered a severe brain injury and partial paralysis after a use of force by
8 a COUNTY sheriff's deputy;

9 (c) In *Travillion v. County of Riverside*, case number EDCV 14-0003
10 VAP (DTBx), Defendant COUNTY failed to discipline its deputy who used deadly
11 force on a man who was not an immediate threat of death or serious bodily injury
12 to anyone;

13 (d) In *Bosch v. County of Riverside*, case number EDCV 13-02352
14 (SVW)(FFM), Defendant COUNTY failed to discipline its deputy who used
15 deadly force on a man who was not an immediate threat of death or serious bodily
16 injury to anyone;

17 (e) In *Castillo v. County of Riverside*, case number EDCV 13-00789 VAP
18 (SPx), Defendant COUNTY failed to discipline its deputy who used deadly force
19 on a man who was not an immediate threat of death or serious bodily injury to
20 anyone;

21 (f) In *Munoz v. County of Riverside*, case number RIC120794, plaintiff
22 argued that the involved COUNTY Sheriff's deputy used deadly force against her
23 son at a time when he posed no immediate threat. The jury in that case returned a
24 verdict in favor of plaintiff;

25 (g) In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-1767,
26 Defendant COUNTY failed to discipline its deputy who used deadly force on a
27 man who was not an immediate threat of death or serious bodily injury to anyone;
28

1 (h) In *Galvan v. County of Riverside, et al.*, case number 5:21-cv-00384
2 JGB (SHKx), Defendant COUNTY failed to discipline its deputy who entered
3 plaintiff's room while plaintiff was sleeping and immediately escalated the
4 situation by commanding a canine to attack plaintiff, including being bit in the
5 neck, a use of deadly force under the circumstances, while plaintiff was not an
6 immediate risk of harm to anyone;

7 (i) In *Arocha v. County of Riverside, et al.*, case number 5:18-cv-01585
8 DMG (SHKx), Defendant COUNTY failed to discipline its deputy who viciously
9 punched plaintiff in the face resulting in loss of consciousness and a broken orbital
10 bone, a use of deadly force under the circumstances, while plaintiff was not an
11 immediate risk of harm to anyone;

12 (j) In *Cortina v. County of Riverside, et al.*, case number 5:18-cv-01579
13 DDP (SPx), Defendant COUNTY failed to discipline its deputy who used force
14 including deadly force, including deployment of a chemical agent, on an unarmed
15 man who was not an immediate threat of harm to anyone;

16 (k) In *Aguirre, et al. v. County of Riverside, et al.*, case number 5:18-cv-
17 00762 DMG (SPx), Defendant COUNTY failed to discipline its deputy who used
18 excessive force against the decedent who was not an immediate threat of death or
19 serious bodily injury, arguing that the force was reasonable even after a unanimous
20 jury returned a verdict in favor of plaintiffs;

21 (l) In *Orellana v. County of Riverside, et al.*, case number 5:19-cv-01263
22 JGB (SHKx), Defendant COUNTY failed to discipline its deputies who used
23 excessive force including deadly force against a man who was not an immediate
24 threat of harm to anyone.

25
26 72. By reasons of the aforementioned acts and omissions, Decedent JOHNNY
27 RAY LLAMAS suffered great physical pain and suffering up to the time of his death,
28 loss of enjoyment of life, loss of life, and loss of earning capacity; Plaintiffs suffered

1 emotional distress, mental anguish, and pain; and Plaintiffs have been deprived of the
2 life-long love, companionship, comfort, support, society, care, and sustenance of
3 Decedent JOHNNY RAY LLAMAS, and will continue to be so deprived for the
4 remainder of their natural lives.

5 73. Accordingly, Defendant COUNTY is liable to Plaintiffs for compensatory
6 damages under 42 U.S.C. § 1983. Plaintiffs also seek attorneys' fees and costs under this
7 claim.

8
9 **FIFTH CLAIM FOR RELIEF**

10 **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

11 **[By all Plaintiffs against Defendant COUNTY OF RIVERSIDE]**

12 74. Plaintiffs refer to and replead each and every allegation contained in the
13 foregoing paragraphs of this Complaint, and by this reference incorporates the same
14 herein and makes each a part hereof.

15 75. On information and belief, COUNTY and the RCSD failed to properly and
16 adequately train Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-
17 10, inclusive, including but not limited to, with regard to the use of physical force, less
18 than lethal force, lethal force, de-escalation tactics, communication tactics, and pursuit
19 tactics, and COUNTY's training on these subjects was not adequate to prevent violations
20 of law by its employees.

21 76. The training policies of Defendant COUNTY and the RCSD were not
22 adequate to train their officers to handle the usual and recurring situations with which
23 they must deal, including de-escalation techniques, communication tactics, pursuit
24 tactics, and the use of lethal force.

25 77. Defendant COUNTY OF RIVERSIDE was deliberately indifferent to the
26 substantial risk that its and RCSD's de-escalation tactics, communication tactics, pursuit
27 tactics and use of deadly force policies were inadequate to prevent violations of law by its
28 employees, and to the known or obvious consequences of its failure to adequately train its

1 police officers with respect to the de-escalation tactics, communication tactics, pursuit
2 tactics and the use of deadly force.

3 78. The failure of Defendant COUNTY to provide adequate training caused the
4 deprivation of JOHNNY RAY LLAMAS's and Plaintiffs' rights by Defendants SHAWN
5 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, inclusive; that is, COUNTY's
6 failure to train is so closely related to the deprivation of these rights as to be the moving
7 force that caused the ultimate injury.

8 79. Based on information and belief, the following are only a few examples of
9 cases where the involved deputies were not disciplined, reprimanded, retrained,
10 suspended, or otherwise penalized in connection with the underlying acts giving rise to
11 the below lawsuits, which indicates that COUNTY failed to adequately train its deputies
12 with regard to the use of force:

13 (a) In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-cv-
14 01603 JGB (DTBx), Defendant COUNTY failed to discipline its deputy who
15 attacked a man with his K-9 and shot used deadly force against him while he was
16 not an immediate threat of death or serious bodily injury to anyone;

17 (b) In *Howard v. County of Riverside, et al.*, case number 5:12-cv-00700
18 VAP (OPx), Defendant COUNTY argued that the use of deadly force against an
19 individual was reasonable; a federal jury found otherwise and returned a verdict in
20 favor of plaintiff, a man who posed no immediate threat of death or serious bodily
21 injury and suffered a severe brain injury and partial paralysis after a use of force by
22 a COUNTY sheriff's deputy;

23 (c) In *Travillion v. County of Riverside*, case number EDCV 14-0003
24 VAP (DTBx), Defendant COUNTY failed to discipline its deputy who used deadly
25 force on a man who was not an immediate threat of death or serious bodily injury
26 to anyone;
27
28

1 (d) In *Bosch v. County of Riverside*, case number EDCV 13-02352
2 (SVW)(FFM), Defendant COUNTY failed to discipline its deputy who used
3 deadly force on a man who was not an immediate threat of death or serious bodily
4 injury to anyone;

5 (e) In *Castillo v. County of Riverside*, case number EDCV 13-00789 VAP
6 (SPx), Defendant COUNTY failed to discipline its deputy who used deadly force
7 on a man who was not an immediate threat of death or serious bodily injury to
8 anyone;

9 (f) In *Munoz v. County of Riverside*, case number RIC120794, plaintiff
10 argued that the involved COUNTY Sheriff's deputy used deadly force against her
11 son at a time when he posed no immediate threat. The jury in that case returned a
12 verdict in favor of plaintiff;

13 (g) In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-1767,
14 Defendant COUNTY failed to discipline its deputy who used deadly force on a
15 man who was not an immediate threat of death or serious bodily injury to anyone;

16 (h) In *Galvan v. County of Riverside, et al.*, case number 5:21-cv-00384
17 JGB (SHKx), Defendant COUNTY failed to discipline its deputy who entered
18 plaintiff's room while plaintiff was sleeping and immediately escalated the
19 situation by commanding a canine to attack plaintiff, including being bit in the
20 neck, a use of deadly force under the circumstances, while plaintiff was not an
21 immediate risk of harm to anyone;

22 (i) In *Arocha v. County of Riverside, et al.*, case number 5:18-cv-01585
23 DMG (SHKx), Defendant COUNTY failed to discipline its deputy who viciously
24 punched plaintiff in the face resulting in loss of consciousness and a broken orbital
25 bone, a use of deadly force under the circumstances, while plaintiff was not an
26 immediate risk of harm to anyone;

1 (j) In *Cortina v. County of Riverside, et al.*, case number 5:18-cv-01579
2 DDP (SPx), Defendant COUNTY failed to discipline its deputy who used force
3 including deadly force, including deployment of a chemical agent, on an unarmed
4 man who was not an immediate threat of harm to anyone;

5 (k) In *Aguirre, et al. v. County of Riverside, et al.*, case number 5:18-cv-
6 00762 DMG (SPx), Defendant COUNTY failed to discipline its deputy who used
7 excessive force against the decedent who was not an immediate threat of death or
8 serious bodily injury, arguing that the force was reasonable even after a unanimous
9 jury returned a verdict in favor of plaintiffs;

10 (l) In *Orellana v. County of Riverside, et al.*, case number 5:19-cv-01263
11 JGB (SHKx), Defendant COUNTY failed to discipline its deputies who used
12 excessive force including deadly force against a man who was not an immediate
13 threat of harm to anyone.

14
15 80. By reasons of the aforementioned acts and omissions, Decedent JOHNNY
16 RAY LLAMAS suffered great physical pain and suffering up to the time of his death,
17 loss of enjoyment of life, loss of life, and loss of earning capacity; Plaintiffs suffered
18 emotional distress, mental anguish, and pain; and Plaintiffs have been deprived of the
19 life-long love, companionship, comfort, support, society, care, and sustenance of
20 Decedent JOHNNY RAY LLAMAS, and will continue to be so deprived for the
21 remainder of their natural lives.

22 81. Accordingly, Defendant COUNTY is liable to Plaintiffs for compensatory
23 damages under 42 U.S.C. § 1983. Plaintiffs also seek attorneys' fees and costs under this
24 claim.

25 ///

26 ///

27 ///

SIXTH CLAIM FOR RELIEF

Battery (Survival and Wrongful Death)

[By All Plaintiffs against All Defendants]

82. Plaintiffs refer to and replead each and every allegation contained in the foregoing paragraphs of this Complaint, and by this reference incorporates the same herein and makes each a part hereof.

83. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, while working as sheriff's deputies for RCSD and COUNTY, and acting within the course and scope of their duties, intentionally shot JOHNNY RAY LLAMAS multiple times and used unreasonable and excessive force against him. As a result of the actions of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, JOHNNY RAY LLAMAS ultimately died from his injuries. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 had no legal justification for using force against JOHNNY RAY LLAMAS, and their use of force while carrying out their duties as police officers was an unreasonable and non-privileged use of force.

84. As a direct and proximate result of the conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 as alleged above, JOHNNY RAY LLAMAS sustained injuries, experienced pain and suffering, died from his injuries and also lost his earning capacity. Also as a direct and proximate result of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10's conduct as alleged above, Plaintiffs S.L., V.L., and CAROLYN CAMPBELL suffered emotional distress and mental anguish. S.L., V.L., and CAROLYN CAMPBELL also have been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of JOHNNY RAY LLAMAS, and will continue to be so deprived for the remainder of their natural life.

85. COUNTY is vicariously liable for the wrongful acts of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries

1 caused by its employees within the scope of the employment if the employee's act would
2 subject him or her to liability.

3 86. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
4 and DOES 3-10 was malicious, wanton, oppressive, and accomplished with a conscious
5 disregard for the rights of JOHNNY RAY LLAMAS, entitling Plaintiffs S.L. and V.L., as
6 successors-in-interest to JOHNNY RAY LLAMAS, to an award of exemplary and
7 punitive damages as to Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and
8 DOES 3-10.

9 87. Pursuant to California Code of Civil Procedure §§ 377.60 and 377.70,
10 Plaintiffs S.L. and V.L. bring this claim individually, as a wrongful death claim, and as
11 successors-in-interest to JOHNNY RAY LLAMAS, as a survival claim. Plaintiffs S.L.
12 and V.L. seek survival damages, including pain and suffering, and wrongful death
13 damages under this claim.

14 88. Pursuant to California Code of Civil Procedure §§ 377.60, Plaintiff
15 CAROLYN CAMPBELL brings this claim individually and seeks wrongful death
16 damages on this claim.

17 89. As a further proximate result of the aforesaid acts and omissions by
18 defendants and the death of decedent, Plaintiffs have incurred funeral and burial expenses
19 in an amount to be proven at trial.

20
21 **SEVENTH CLAIM FOR RELIEF**

22 **Negligence (Survival and Wrongful Death)**

23 **[By All Plaintiffs against All Defendants]**

24 90. Plaintiffs refer to and replead each and every allegation contained in the
25 foregoing paragraphs of this Complaint, and by this reference incorporates the same
26 herein and makes each a part hereof.

27 91. Law enforcement officers, including Defendants SHAWN HUBACHEK,
28 JIMMIE MCGUIRE, and DOES 3-10, have a duty to use reasonable care to prevent harm

1 or injury to others. This duty includes using appropriate tactics, giving appropriate
2 commands, giving warnings, and not using any force unless necessary, using less than
3 lethal options, and only using deadly force as a last resort.

4 92. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
5 breached this duty of care. Upon information and belief, the actions and inactions of
6 Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 were
7 negligent and reckless, including but not limited to:

8 (a) the failure to properly and adequately assess the need to use force or
9 deadly force against JOHNNY RAY LLAMAS;

10 (b) the negligent tactics and handling of the situation with JOHNNY
11 RAY LLAMAS, including pre-shooting negligence;

12 (c) the negligent use of force, including deadly force, against JOHNNY
13 RAY LLAMAS;

14 (d) the failure to provide prompt medical care to JOHNNY RAY
15 LLAMAS;

16 (e) the failure to properly train and supervise employees, both
17 professional and non-professional, including Defendants SHAWN HUBACHEK,
18 JIMMIE MCGUIRE, and DOES 3-10;

19 (f) the failure to properly employ, retain, assign, control, and discipline
20 employees, including Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
21 and DOES 3-10, including despite known dangerous propensities and/or
22 propensities for using excessive force;

23 (g) the failure to ensure that adequate numbers of employees with
24 appropriate education and training were available to meet the needs of and protect
25 the rights of JOHNNY RAY LLAMAS;

26 (h) the negligent handling of evidence and witnesses; and

27 (i) the negligent communication of information during the incident.
28

1 93. As a direct and proximate result of Defendants SHAWN HUBACHEK,
2 JIMMIE MCGUIRE, and DOES 3-10's conduct as alleged above, and other
3 undiscovered negligent conduct, JOHNNY RAY LLAMAS experienced pain and
4 suffering ultimately died. Also as a direct and proximate result of Defendants SHAWN
5 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10's conduct as alleged above,
6 Plaintiffs S.L., V.L., and CAROLYN CAMPBELL suffered emotional distress and
7 mental anguish. Plaintiffs S.L., V.L., and CAROLYN CAMPBELL also have been
8 deprived of the life-long love, companionship, comfort, support, society, care and
9 sustenance of JOHNNY RAY LLAMAS, and will continue to be so deprived for the
10 remainder of their natural lives.

11 94. COUNTY is vicariously liable for the wrongful acts of Defendants SHAWN
12 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 pursuant to section 815.2(a) of the
13 California Government Code, which provides that a public entity is liable for the injuries
14 caused by its employees within the scope of the employment if the employee's act would
15 subject him or her to liability.

16 95. Pursuant to California Code of Civil Procedure §§ 377.60 and 377.70,
17 Plaintiffs S.L. and V.L. bring this claim individually, as a wrongful death claim, and as
18 successors-in-interest to JOHNNY RAY LLAMAS, as a survival claim. Plaintiffs S.L.
19 and V.L. seek survival damages, including pain and suffering, and wrongful death
20 damages under this claim.

21 96. Pursuant to California Code of Civil Procedure §§ 377.60, Plaintiff
22 CAROLYN CAMPBELL brings this claim individually and seeks wrongful death
23 damages on this claim.

24 97. As a further proximate result of the aforesaid acts and omissions by
25 defendants and the death of decedent, Plaintiffs have incurred funeral and burial expenses
26 in an amount to be proven at trial.

27 ///

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EIGHTH CLAIM FOR RELIEF

Violation of California Civil Code § 52.1

[By All Plaintiffs against All Defendants]

98. Plaintiffs refer to and replead each and every allegation contained in the foregoing paragraphs of this Complaint, and by this reference incorporates the same herein and makes each a part hereof.

99. California Civil Code, Section 52.1 (the Bane Act), prohibits any person from using violent acts or threatening to commit violent acts in retaliation against another person for exercising that person's constitutional rights.

100. On information and belief, Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, while working for the COUNTY and acting within the course and scope of their duties, intentionally committed and attempted to commit acts of violence against JOHNNY RAY LLAMAS or acted in reckless disregard of JOHNNY RAY LLAMAS's civil rights, including by shooting him without justification or excuse, and by denying him necessary medical care.

101. When Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 shot JOHNNY RAY LLAMAS numerous times, either by integrally participating in the shooting or by failing to intervene, they deliberately subjected JOHNNY RAY LLAMAS to excessive force that was beyond what was necessary and coercively interfered with his civil rights to be free from unreasonable searches and seizures, to due process, to equal protection of the laws, to medical care, to be free from state actions that shock the conscience, and to life, liberty, and property.

102. On information and belief, Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 intentionally and spitefully coercively committed the above acts to coercively interference with JOHNNY RAY LLAMAS's civil rights, to discourage JOHNNY RAY LLAMAS from exercising his civil rights, to retaliate against him for invoking such rights, or to prevent him from exercising such rights, which he was fully entitled to enjoy.

1 103. On information and belief, JOHNNY RAY LLAMAS reasonably believed
2 and understood that the violent acts committed by Defendants SHAWN HUBACHEK,
3 JIMMIE MCGUIRE, and DOES 3-10, inclusive were intended to coercively interfere
4 with JOHNNY RAY LLAMAS's civil rights, to discourage him from exercising the
5 above civil rights, to retaliate against him for invoking such rights, or to prevent him
6 from exercising such rights.

7 104. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
8 successfully interfered with the above civil rights of JOHNNY RAY LLAMAS.

9 105. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
10 and DOES 3-10 was a substantial factor in causing JOHNNY RAY LLAMAS's harms,
11 losses, injuries, and damages.

12 106. COUNTY is vicariously liable for the wrongful acts of Defendants SHAWN
13 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, inclusive pursuant to section
14 815.2(a) of the California Government Code, which provides that a public entity is liable
15 for the injuries caused by its employees within the scope of the employment if the
16 employee's act would subject him or her to liability.

17 107. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
18 and DOES 3-10 was malicious, wanton, oppressive, and accomplished with a conscious
19 disregard for JOHNNY RAY LLAMAS's rights, justifying an award of exemplary and
20 punitive damages as to Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and
21 DOES 3-10.

22 108. Plaintiffs S.L. and V.L. bring this claim as successors-in-interest to
23 JOHNNY RAY LLAMAS and seek survival damages, including emotional distress, loss
24 of life, and loss of enjoyment of life under this claim. Plaintiffs S.L. and V.L. also seek
25 treble damages, attorney's fees, and costs under this claim.

26 109. As a further proximate result of the aforesaid acts and omissions by
27 defendants and the death of decedent, plaintiffs have incurred funeral and burial expenses
28 in an amount to be proven at trial.

PRAYER FOR RELIEF

Plaintiffs pray for judgment on all causes of action against defendants, and each of them, as follows:

1. For compensatory damages in whatever other amount may be proven at trial, including both survival damages and wrongful death damages under federal and state law;
2. For funeral and burial expenses, and loss of financial support;
3. For punitive damages against the individual defendants in an amount to be proven at trial;
4. For statutory damages;
5. For treble damages pursuant to California Civil Code sections 52, 52.1;
6. For interest;
7. For reasonable attorney's fees, including litigation expenses;
8. For costs of suit; and
9. For such other and further relief as the court may deem just, proper, and appropriate.

Dated: September 27, 2024

MARDIROSSIAN AKARAGIAN, LLP

By: /s/ Lawrence D. Marks

GARO MARDIROSSIAN

LAWRENCE D. MARKS

Attorneys for Plaintiffs S.L. and CAROLYN
CAMPBELL

Dated: September 27, 2024

LAW OFFICES OF DALE K. GALIPO

By: /s/ Dale K. Galipo

DALE K. GALIPO

Attorneys for Plaintiff V.L.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

Dated: September 27, 2024

MARDIROSSIAN AKARAGIAN, LLP

By: /s/ Lawrence D. Marks

GARO MARDIROSSIAN

LAWRENCE D. MARKS

Attorneys for Plaintiffs S.L. and CAROLYN
CAMPBELL

Dated: September 27, 2024

LAW OFFICES OF DALE K. GALIPO

By: /s/ Dale K. Galipo

DALE K. GALIPO

Attorneys for Plaintiff V.L.